

REMARKS

I. Status of Claims

Claims 1-32 are pending in this application.

Claims 1-3, 6-9, 17-19, 24-26 and 29-32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,578,015 to Haseltine et al. (hereinafter "Haseltine") in view of U.S. Patent No. 5,699,528 to Hogan (hereinafter "Hogan").

Claims 4, 5, 10-16, 20-23, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Haseltine in view of Hogan and further in view of U.S. Patent No. 6,292,789 to Schutzer (hereinafter "Schutzer") and U.S. Patent No. 5,465,206 to Hilt et al (hereinafter "Hilt").

The Board of Patent Appeals and Interferences affirmed the rejections issued in the Final Office Action dated June 13, 2005.

By this Amendment, claims 1, 19, and 24 have been amended. No new matter is added.

II. Rejection under 35 U.S.C. §103(a)

In light of the Examiner's stated reasons, as well as the Board's opinion, for the obviousness rejection, Applicant has amended independent claims 1, 19, and 24 to clarify the distinctions over the cited art.

For example, Claim 1, as amended, recites:

- formatting at least one portion of the electronic summary in the form of a remittance slip containing remittance data as is found in a traditional paper based bill, wherein the step of formatting further makes said remittance slip printable for use in a traditional method of payment of the at least one bill by the at least one payer
- said step of transmitting enabling a user device to present to the at least one payer an electronically-selectable option such that the payer can interactively elect (a) paying the at least one bill electronically or (b) printing said portion which is formatted as a printable remittance slip and mailing the remittance slip with a payment of the at least one bill

The amended claims 19 and 24 recite similar subject matter which is not found in any of the cited references, either individually or in combination.

Although the Board has affirmed the obviousness rejection of claims 1-32, Applicant believes that the Board have misread the specification of the present application and as a result reached an incorrect conclusion.

The following claim elements were at dispute on appeal:

[1] *at least one portion of the electronic summary being formatted in the form of a remittance slip;*

[3] *allowing the at least one payer to choose between paying the at least one bill electronically or mailing the remittance slip with an payment of the at least one bill.*

See September 13, 2011 Board Decision at 2-3. And, the Board's decision was based on the following Finding of Facts (FFs):

FF1. Haseltine has disclosed providing a computer-implemented electronic bill to a customer and bill format data over a network (Abstract).

FF2. Hogan has disclosed using a computer to view electronic bills over the World Wide Web or email (Abstract) and that payment can be made by credit card or a checking account (Figure 4).

FF3. Hogan also disclosed that the user may print the bills on printers connected thereto (Col. 5:5-9).

Id. at 4. The Board's main reasoning is as follows:

We find nothing in this description that limits the "remittance slip" to not be a standard bill in any way. Further, the Appellants Specification at page 12, lines 3-7 describes that a "printed email 25" sent to the biller "serve[s] as a remittance form ensuring proper crediting of the payer's account." Given the broadest reasonable interpretation in light of the Specification, we see nothing to prevent any billing statement from being a "remittance slip" if mailed in with the payment despite the arguments which have been presented by the Appellants.

Id. at 4 (emphasis added). That entire paragraph in the Applicant's specification (page 12, lines 3-7) reads as follows:

"Referring now to Fig. 7, the payer 30 receives the e-mail 25 and then decides whether or not to pay the bill electronically (S-500). If the payer 30 decides not to pay the bill electronically, the e-mail 25 is printed (S-505). A check, cash or money order or other non-electronic form of payment is 5 included with the printed e-mail 25 and sent to the biller with the printed email 25 serving as a remittance form ensuring proper crediting of the payer's account (S-515)."

Present Application at p. 12, lines 1-7 (emphasis added).

In other words, the Board purport to cite Applicant's own specification to show that a remittance slip could be simply an emailed billing statement if the customer chose to print it out and mail it with a payment. However, the Board failed to appreciate that statement in light of the full specification—the "e-mail 25" here is not just *any* billing statement as the few words of that paragraph seem to suggest. The payer 30 did not just happen to print out the email and use it to serve as a remittance slip. The "e-mail 25" actually includes a formatted remittance slip specifically prepared and provided by the inventive system, as fully explained earlier in the Specification—

"A copy of the summary information contained in or attached to the email presentment message is in the form of a remittance slip as is found in a traditional paper based bill. The bill recipient is able to print out the remittance slip which can then be included by the payer along with the non-electronic form of payment (e.g. cash or check)." Page 3, lines 1-5 (emphasis added).

"The summary level information included in the e-mail notification 25 is formatted in the same manner as a remittance slip in a traditional paper-based invoice. The summary information, therefore, includes at least the biller's 5 name, statement date, minimum amount due and total amount due." Page 9, lines 2-5 (emphasis added).

"As previously discussed, the e-mail 25 contains a summary of the bill that is detailed enough for the payer 30 to manually pay the bill

using a traditional non-electronic form of payment such as by check, cash, money order or other non-electronic means and typically remits payment using traditional non-electronic means (e.g., by mail).” Page 11, lines 18-22 (emphasis added).

The printing of “email” to serve as remittance slip, as the Board cited to in the Specification, was actually the printing of a formatted remittance slip as intended by the present invention. The claimed system specifically formatted part of the electronic bill (i.e., remittance data) into a remittance slip and made it printable.

In fact, it is the combination of *formatting electronic bill data into a printable remittance slip* which is otherwise completely unnecessary and even unwanted in an *electronic* bill payment system (as suggested in the art) that sets the claimed system apart from prior art. The big irony is, the Board cited to a portion of the specification that shows the intended result of the claimed invention but used it against the invention.

Once the confusion over the specification is cleared, there should be no reason for insisting on such an over-expansive definition of “remittance slip” as to encompass even a standard bill statement or just any bill summary information. The phrase “remittance slip” is a term of art in the payment processing segment of financial services. A remittance slip is a tear-off sheet typically attached to the bottom of an invoice. See Appendix A: Remittance Slips webpage at <http://www.rxworks.com/index.php/onlinemanual/working-with-financials>. The most important information found on a remittance slip is perhaps the payment recipient’s name and address (to which payment should be mailed).¹ See *id.* Such mailing information of the payment processor is specific to the traditional paper-based payment method but unnecessary for

¹ As the Examiner may have noticed in his own dealings with billing statements and remittance slips, the mailing address on a remittance slip is not necessarily this same as that of the payee. For example, consumer-facing companies often outsource the mundane payment collection/processing work to a third-party company. That is why our utility bills and credit card statements tend to show a P.O. box address on the remittance slips.

electronic payments. Remittance slips therefore play an important (yet often overlooked) role to ensure proper receipt and processing of paper-based payments by payment processors. An entire industry segment has been built around the processing of paper-based payments, such as lockbox services, also known as “remittance services” or “remittance processing.” See Appendix B: Wikipedia webpage on “lock box” at http://en.wikipedia.org/wiki/Lock_box. Therefore, remittance slips (including its typical content, format and purpose) are well known in the art. While the PTO is allowed to apply “the broadest reasonable interpretation” to the claim language, an overbroad definition of a term of the art such as “remittance slip” would not be reasonable.

The references do not disclose formatting part of the electronic bill data, in an electronic bill payment system, into a printable remittance slip. Applicant has fully explained in the Appeal Brief why neither Haseltine nor Hogan teach or suggest “at least one portion of the electronic summary being formatted in the form of a remittance slip” or “printable to serve as a remittance slip in a traditional method of payment” as previously recited in Claim 1. Applicant incorporates that portion of the Appeal Brief (Section VII.B.1) by reference.

Furthermore, it is not at all obvious to simply include the step of formatting a printable remittance slip in an electronic bill payment system, especially given the teaching away of paper-based payments in the cited art. Applicant has also explained in the Appeal Brief why the cited references show a strong aversion towards the traditional paper-based bill payment method. Applicant incorporates that portion of the Appeal Brief (Section VII.B.2) by reference. At the very least, neither the Office Action nor the Board opinion has explained why the all-electronic bill presentment/payment systems disclosed in the art would lead one of ordinary skill to include therein a non-electronic payment option.

Since the cited references fail to teach or suggest all the elements in the amended Claim 1, and they actually teach away from certain features of the claimed invention, these references cannot render Claim 1 or its dependent claims 2-18 obvious. Claims 19 and 24 and their dependent claims 20-23 and 25-32 recite similar allowable subject matter and therefore should be patentable over the cited art.

In view of the foregoing, Applicant respectfully requests the withdrawal of the obviousness rejection of claims 1-32.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the present application is in condition for examination. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

Dated: November 14, 2011

Respectfully Submitted,

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Appendix A: Remittance Slips webpage

from <http://www.rxworks.com/index.php/onlinemanual/working-with-financials>



Remittance Slips

What is a Remittance Slip?

In short, a remittance slip is a tear-off sheet attached to the bottom of an invoice. It's purpose is to clarify exactly what is being paid for and how much is being paid.

A remittance slip will list the recipient's information. This includes the recipient:

- name,
- address,
- additional contact information,
- custom information such as an account number.

Remittance slips can also provide account payment information, such as a credit card number and expiration date.

1000012010 Account No - 10000000000000000000 Evergreen Animal Hospital 12345 Florey St E Lake Mead, NV 89202		Remittance for Tatum, Michael Amount Due : 55.00 Payment Amount :
<input type="checkbox"/> Mastercard <input type="checkbox"/> Visa <input type="checkbox"/> Discover <input type="checkbox"/> Other	Cardholder's Name Card Number Exp. Expiry Date Signature	

In RxWorks, remittance slips are automatically attached to all account statements.

Customized Remittance Slips

RxWorks allows clinics to customize your remittance slips.

0000120000 Account No - 00000000000000000000
Remittance for Abbott, Fred & Planner
 Amount Due : 250.00
 Payment Amount :

Payment Method: ☐ Electronic ☐ ACH ☐ Visa ☐ MasterCard ☐ Discover ☐ Check ☐ Cash

Cardholder's Name: _____
 Card Number: _____
 Expiry Date: ____/____ Start Date: ____/____
 Issue (Month/Year): ____/____
 Check should be made payable to Evergreen Veterinary Hospital
 Please send remittance check and payment to 12345 Florey Ave, Evergreen, 40000
 For Ref: 0000120000 00000000000000000000

The remittance slip is an image file that is attached to the bottom of account statements.

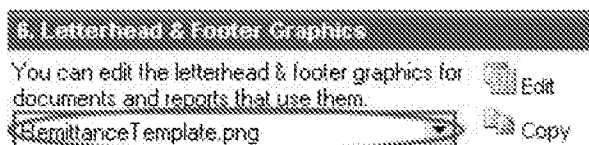
With this in mind, you can use almost any graphics application (for example MS Paint, Corel Paintshop Pro and Adobe Photoshop) to custom design remittance slips.

Your custom Remittance Slip can include your practice's logo and color scheme, in addition to your desired form fields (see example above).

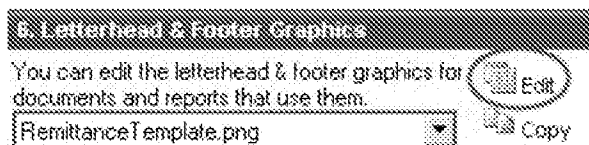
If you do not create a custom file, RxWorks will use the default Remittance Slip.

HOW TO CREATE A CUSTOM REMITTANCE SLIP

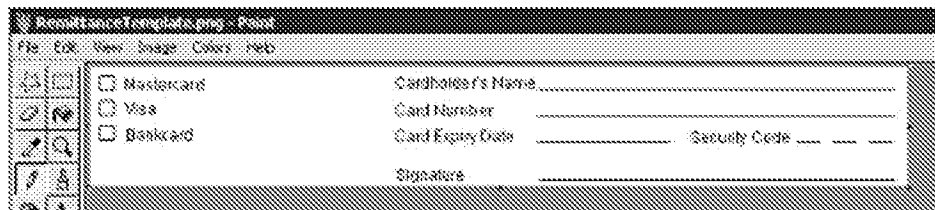
1. Go to the RxWorks TASK PANEL.
2. Click on REPORTS.
3. Select 'H: Setup & Document Editing.'
4. Under Letter Head and Footer Graphics, select 'Remittance Template.png' from the drop-down list.



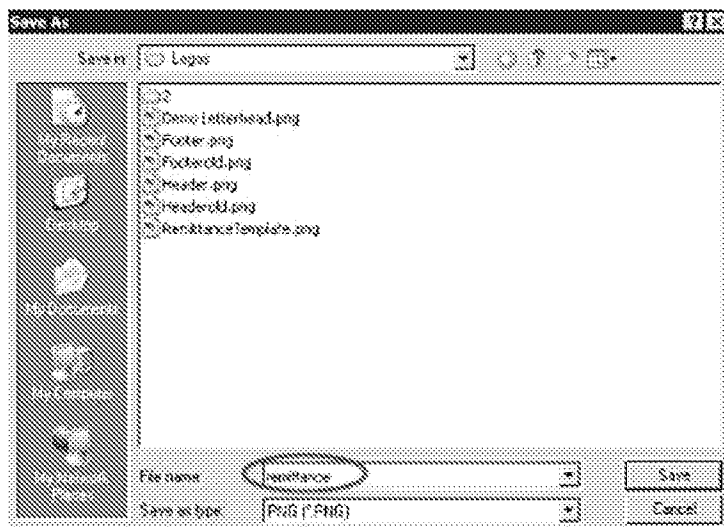
5. Click the EDIT option next to the drop-down list for Letterhead and Footer Graphics.



The image will open in MS Paint.



6. Before you begin modifying the image, select FILE > SAVE AS.
7. Type "remittance" into the File name field, and keep the image file type as '.png.'



8. Click **SAVE**.

The file will be saved in the Logos folder on the RxWorks server.

9. Modify the image to suit your requirements.

10. **SAVE** the file.

Different Remittance Slips for Multiple Clinics

If you need different versions of your remittance slip for branch practices, you can save copies of the original remittance slip file into sub-folders for appropriate for the clinic.

HOW TO COPY THE ORIGINAL REMITTANCE SLIP IMAGE

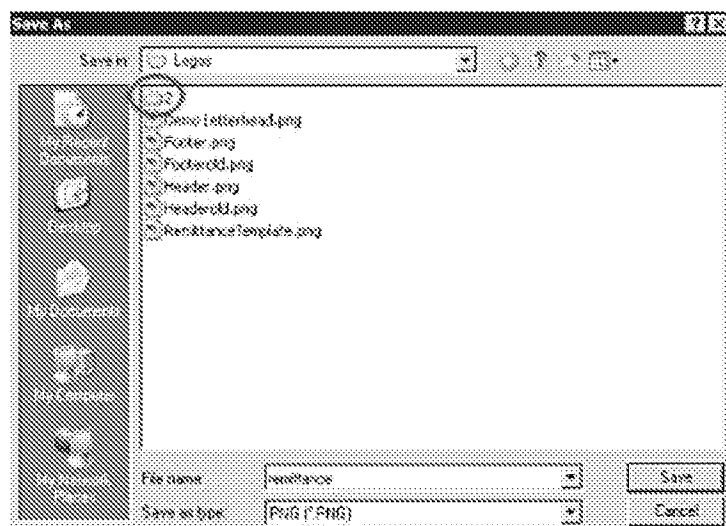
1. Follow the steps as outlined under the article index 'Custom Slips' to open the original file.

Make sure you save a copy of the original before any edits are made to the branch clinic copy.

2. Select **FILE > SAVE AS**.

3. If you do not already have one, create a new folder to represent the branch clinic under 'LOGOS' if you do not already have one.

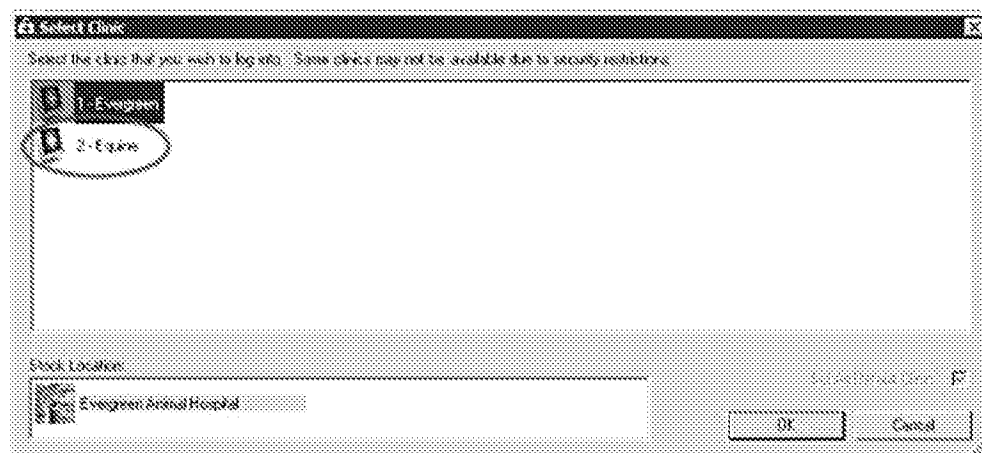
See the section below on 'How this Works' for further information on naming the branch subfolders.



4. Double click the branch clinic folder to open it.
5. Enter 'remittance' as the file name and keep the file format as '.png.'
6. Click SAVE.
7. Edit the remittance image as needed.
8. SAVE the file when your changes are complete.

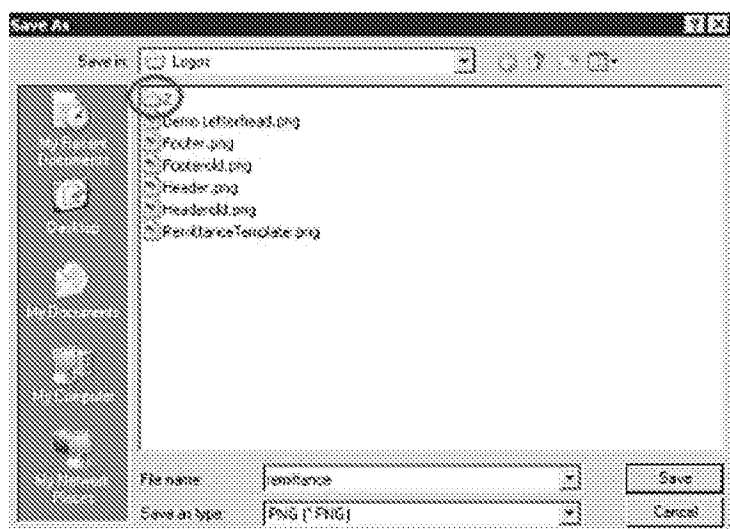
HOW THIS WORKS

If you have a branch clinic set up in RxWorks, it will have a number listed next to it's name when logging into the program. For example, number 2.



When accounts are printed, RxWorks will check for a branch clinic version of the remittance slip according to the branch clinic you are logged into. It does this by searching any subfolders in your LOGO folder. Any branch subfolder must be named with the corresponding

number it is associated with in RxWorks.



If the program does not find a branch clinic copy of the remittance slip, it will then look in the parent directory.

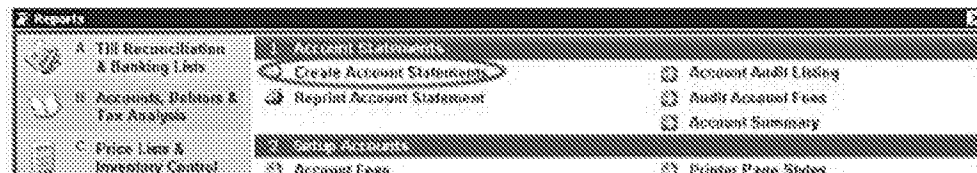
So in short:

- For single site practices or multi-site practices where all branches will use the same Remittance Slip, it should be located in the directory **\\RxWorks\\templates\\logos**.
- For multiple branches, put a copy of the file in sub-directories named by the clinic number. For example, place the file for Clinic 1 in the directory **\\RxWorks\\templates\\logos\\1**.

To print your account statements with the correct branch clinic remittance slip:

1. Generate all your account statements from **REPORTS > B: ACCOUNTS, DEBTORS AND TAX ANALYSIS > CREATE ACCOUNT STATEMENTS**.

You do not need to print any statements at this stage.



2. Once the statements have been generated you can print them with the correct branch clinic remittance slip by 'Reprinting' and filtering by clinic.

Report Account Statements

Print | Export | Excel | Setup | Cancel

☒ Report account run
May 15, 2010 (RS, 15 accounts)
NOTE: Only runs with more than 1 account are shown. You can view all account runs if required.

☐ Report of accounts from
10/05/2010 to 10/05/2010

☐ Report single account
[Empty] (e.g. 10001460)

Account Type
Expense

Current Range
1 to 1

Clinic
Expans

Print

Finalize

Reverse

By filtering by clinic, RxWorks will then check the LOGO folder for the correct version of the remittance slip to use on those account statements. So, if you filter by clinic 2, RxWorks will use the remittance slip filed under \\RxWorks\\templates\\logos\\2.

Appendix B: Wikipedia webpage on “lock box”

from http://en.wikipedia.org/wiki/Lock_box

Lock box

Lock box banking is a service offered by commercial banks that simplifies collection and processing of account receivables by having payments mailed directly to a location accessible by the bank.

General

In general, a lockbox is a Post office box (PO box) that is accessible by the bank. A company may set up a lock box service with their bank for receiving customers payments. The company's customers send their payments to the PO box. Then the bank collects and processes these payments directly depositing them to the company's account. Typical costs are around \$100 per month with per-item fees for basic service, and upwards of \$500 for businesses with high check volume.^[1]

Lockbox services are sometimes called 'Remittance Services' or 'Remittance Processing'.

This is when a company maintains special mailboxes in different locations around the country and a customer sends payment to the closest lockbox. The company then authorizes a bank to check these mailboxes as often as is reasonable, given the number of payments that will be received. Because the bank is making the collection, the funds that have been received are immediately deposited into the company's account without first being processed by the company's accounting system, thereby speeding up cash collection.

Wholesale and retail

Lockbox is generally divided into Wholesale and Retail. Wholesale lockboxes are for companies with small numbers of payments, sometimes with detailed requirements for processing. This might be a company like a dentist's office or small manufacturing company. Retail lockboxes are for companies with large numbers of payments, often with a standardized 'payment coupon'. These are often utility companies such as gas, electric, water, or cable tv companies.

Electronic conversion

Modern operations usually "capture" images of the checks and associated documentation (payment coupons, for example) into a digital format for use in computer systems (i.e., JPEG files). These files can then undergo data entry for further specialized processing. Banks often use specialized equipment that can scan hundreds, or thousands, of checks per minute.

Due to the Check 21 Act, some lock boxes even wholly convert some checks to electronic data, and the paper checks are shredded and never actually returned to the originating bank.

Online bill payment services

Many online electronic bill pay services are not 100% online. The payee might not be set up to accept electronic payments, so the bill pay service will have a computer print out large numbers of paper checks and mail them to the lockbox, where they will be processed alongside all the other paper checks.

Offshoring

Transferring data from paper to electronic format involves labor intensive data entry work. This has prompted a movement to offshore the data entry of the information on checks to countries with abundant employees which help in ultimately lowering the costs, such as India.^{[2] [3] [4]}

References

- [1] http://www.sbnonline.com/Local/Article/13595/71/39/Checks_and_balances.aspx
- [2] See for example Carretek's advertising for Retail (http://www.carretek.com/main/services/bpo_services/bpo_pdf/retail.pdf) and Wholesale (http://www.carretek.com/main/services/bpo_services/bpo_pdf/wholesale.pdf) operations they do in India.
- [3] India Times (<http://infotech.indiatimes.com/articleshow/47555381.cms>) article about ABN Amro transferring work (including lockbox work) to Chennai.
- [4] edata India (<http://www.edataindia.com/data-entry.html>)'s advert for 'lockbox processing'.

External links

- National Check Fraud Center - LockBox Banking Pro & Con (<http://www.ckfraud.org/lockbox.html>)
- Credit Research Foundation - Understanding, Establishing & Maintaining a Lockbox System (<http://www.crfonline.org/orc/cro/cro-1.html>)

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